

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 20-63 are currently pending in the application. No amendments have been made to the claims. The previous rejection of claims 20-63 has been withdrawn in response to a Pre-Appeal Brief Request for Review and the present rejection then issued.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 20-63 under 35 U.S.C. §102(e) as being anticipated by Obradovich et al. (U.S. Publication No. 2002/0156555 hereinafter, "Obradovich"). Applicants respectfully traverse this rejection.

Applicants submit that Obradovich does not disclose each and every feature recited in independent claims 20, 32, 44, and 62-63. To begin with, independent claim 20 recites, *inter alia*, a transceiver for transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator." Applicants submit that Obradovich does not disclose or teach all the features identified.

In the rejection the Examiner cites paragraphs [0006], [0078]-[0079], and [0140] as locations within Obradovich that disclose the claimed features identified above. However, none of the cited paragraphs nor anywhere in Obradovich are the claimed features disclosed or suggested. In [0006] of Obradovich, a prior art reference, U.S. Pat. No. 5,442,553 issued to

Parillo is discussed as disclosing “a vehicle diagnostic and software upgrade system,” including a microprocessor that can transmit data to a “remote diagnostic station.” However, it is unclear how this information is to be applied to the claimed features. Parillo does not appear to disclose transmitting vehicle operator identification information, or receiving a reply message as to which function the operator is validated to operate, or specifying how to indicate the validation to the vehicle operator. In addition, it is unclear how the disclosed system of Parillo can be combined with the other alleged disclosures of Obradovich to achieve the claimed invention.

In paragraphs [0078]-[0079] of Obradovich, an embodiment including “a conventional transmitter” is disclosed that can be used to alert law enforcement or alarm monitoring companies when a security protocol has been initiated. A processor 105 can use a phone interface 106a to call local law enforcement and provide pre-recorded information, while the transmitter can be used to transmit signals relating to, for example, the GPS location of the vehicle. However, here again, there is no disclosure of transmitting vehicle operator identification information (as the vehicle is being or has been stolen in the disclosed embodiment), or receiving a reply message as to which function the operator is validated to operate, or specifying how to indicate the validation to the vehicle operator.

Finally, with reference to paragraph [0140], Obradovich discloses that a third party can communicate with the vehicle remotely. For example, a third party can monitor the vehicle’s speed and send a pre-assigned PIN that can be verified by the vehicle, which then allows the third party to enable/disable functions of the vehicle. However, the third party is not the same as the claimed “vehicle operator” and Obradovich does not disclose or teach “receiving from said remote location a reply message specifying which of said selected functions the operator is

validated to operate. Nor does Obradovich disclose or teach specifying at least one action to be taken to indicate the validation to the vehicle operator.

Therefore, Applicants submit that Obradovich does not disclose, teach, or suggest all the claimed features of independent claim 20 and that claim 20 is allowable.

Independent claim 32 includes similar features as claim 20. For example, claim 32 recites, *inter alia*, "a transceiver for transmitting a message to a remote location at which vehicle functions are selected based upon said operator identification information, and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator." As the same paragraphs of Obradovich are cited as support for the rejection of claim 32 as were cited for claim 20, Applicants submit that Obradovich does not disclose or teach all of the claimed features identified and therefore, independent claim 32 is also allowable over Obradovich.

In a similar manner, independent claim 44 recites, *inter alia*, "transmitting said vehicle operator identification information to a remote location for validation; receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator." As discussed above with reference to claims 20 and 32, Obradovich does not disclose or teach all of the claimed features and therefore, independent claim 44 is also allowable over Obradovich.

With regard to independent claims 62-63, Applicants submit that Obradovich does not disclose or teach all the claimed features of these claims. For example, independent claim 62 recites,

An apparatus for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising:  
a transceiver configured to receive vehicle operator identification information and configured to transmit a reply message to the vehicle; and  
a processor configured to validate the operator identification information, configured to generate the reply message specifying which of said selected functions the operator is validated to operate, and configured to generate a notification of the validation and to transmit the notification to a third party.

As discussed above, Obradovich does not disclose or teach the claimed transceiver. In addition, Obradovich does not disclose or teach the claimed processor. For example, the Examiner cites paragraphs [0041], [0051]-[0053], [0084]-[0087], and [0140] as disclosing the claimed processor. However, paragraphs [0041] and [0051]-[0053] disclose various components of the vehicle's control system, e.g., communication interfaces 106, control interfaces 108, audio interfaces 118, etc. While a general processor 105 is disclosed, the processor 105 is part of the vehicle's control system, which is in contrast to the claimed processor that is part of an apparatus at a remote location. Paragraphs [0084]-[0087] relate to maneuvering through a number of display interfaces of the control system. In paragraph [0086] the use of a PIN is disclosed as a way to ensure that the person using the control system is a validated user. However, the validation is done by comparing the entered PIN to a PIN stored in a memory 115 of the control system in the vehicle.

Therefore, Applicants submit that Obradovich does not disclose, teach, or suggest all the features of independent claim 62 and that claim 62 is allowable.

Similarly, independent claim 63 recites,

A method for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising:  
receiving vehicle operator identification information;  
validating the operator identification information;  
generating a reply message specifying which of said selected functions the operator is validated to operate;  
transmitting the reply message to the vehicle; and  
generating a notification of the validation for a third party.

As the same paragraphs are cited for the rejection of claim 63 as for claim 62, Applicants submit that Obradovich does not disclose or teach all the features of claim 63 and therefore claim 63 is allowable.

### CONCLUSION

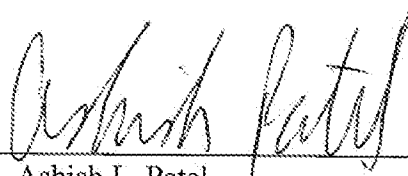
Applicants believe that the present application is now in condition for allowance. Such allowance is respectfully solicited.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 17-0026.

Respectfully submitted,

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By: \_\_\_\_\_



Ashish L. Patel  
Reg. No. 53,440  
(858) 658-2585

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-2585  
Facsimile: (858) 658-2502